

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-VS-

DECISION and ORDER

11-CR-6195

FREDERICK YOUNG

Defendant

Siragusa, J. This case was referred by text order of the undersigned, docketed on December 1, 2011, ECF No. 9, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On April 16, 2012, Magistrate Judge Payson filed a Report and Recommendation ("R&R") ECF No. 26, recommending that the Court determine Defendant incompetent to stand trial. By fax dated April 18, 2012, a copy of which is attached to this Decision and Order, Defendant's attorney, Steven Slawinski, Assistant Federal Public Defender, indicated that he had no objection to Judge Payson's R & R, and asked that his Court "adopt Judge Payson's report and recommendation without a further hearing." Also by letter dated April 24, 2012, a copy of which is attached to this Decision and Order, received from Assistant United States Attorney Tiffany H. Lee, the government has indicated that it also has no objection to the adoption of the R&R.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, the Court finds Defendant incompetent to stand trial.

IT IS SO ORDERED.

Dated: Rochester, New York
April 24, 2012

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge
